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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,664	11/07/2000	Kim Y. Kao	003115.P002XD	9314

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EXAMINER

PEYTON, TAMMARA R

ART UNIT PAPER NUMBER

2182

DATE MAILED: 08/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,664

Applicant(s)

KAO ET AL.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,23-25,27,29-31 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,23-25,27,29-31 and 33-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 10, 23, 24, 27, 29, 30, 33, 34, 35, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by *Smith et al.*, (US 5,641,050).
2. As per claim 10, *Smith* teaches a system comprising:

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- a vending machine including plurality of coils onto which items are attached and a plurality of motors to control rotation of the plurality of coils for dispensing the items;
- a controller (Fig. 2) to generate control signals including user interface control signals;
- a display (34, 35, 36, 41, Fig.2) responsive to the user interface control signals to interactively prompt (recognition of received currency or promotional card) a user to provide user inputs to the controller, the user inputs including selection of an item to be dispensed; and
- switching control circuitry connected to each of the plurality of motors of the vending machine, the switching control circuitry, responsive to the control signals, to provide power to at least one of the plurality of motors to dispense the selected item. (Abstract, col. 5, lines 29-45, col. 6, lines 43-col. 17, lines 1-9)

3. As per claim 23, *Smith* teaches wherein a first motor of the plurality of motors is electrically coupled to at least one coil of the plurality of coils holding the selected item.

4. As per claim 24, *Smith* teaches wherein the first motor controls the at least one coil to initiate a predetermined cycle of rotation when supplied power by the switching control circuitry.

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5. As per claim 29, *Smith* teaches a system for controlling dispensation of an item from an apparatus, comprising:

- a controller to generate control signals including user interface control signals;
- a display responsive to the user interface control signals to interactively prompt a user to provide user inputs to the controller, the user inputs include selecting activation of power supplied to a motor associated with the apparatus; and
- a switching control circuitry communicatively coupled to the controller, the switching control circuitry to supply the power to the motor in response to the control signals in order to cause rotation of a coil to dispense the item.

6. As per claim 27, *Smith* teaches wherein the apparatus is a vending machine.

7. As per claim 30, *Smith* teaches wherein the supply of power to the motor causes the coil to rotate at a predetermined cycle of rotation to dispense the item.

8. As per claim 33, *Smith* system comprising:

- a vending machine including a plurality of electrically powered devices; and
- means for receiving inputs from a user and transferring signals based on the user inputs;
- means for generating control signals based on the user inputs; and

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- means for providing power to a selected electrically powered device of the plurality of electrically powered devices of the vending machine to dispense an item in response to the control signals, the selected electrically powered device is a motor to control a corresponding dispensing mechanism upon which the item is initially attached before being dispense.

9. As per claim 34, *Smith* teaches wherein the dispensing mechanism is a coil.

10. As per claim 35, *Smith* teaches wherein the motor causes the coil to rotate at a predetermined cycle of rotation upon receiving the power from the means for provider power.

11. As per claim 37, *Smith* teaches wherein the switching control circuitry is connected to a least one motor of the plurality of motors via a transformer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 25, 31, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Smith*, (US 5,641,050).

13. As per claims 25, *Smith* does not teach wherein the item includes an office supply. Nonetheless, the office is taking the position that *Smith's* vending machine could be modified to dispense a host of items and not depart from the inventive concept.

14. As per claim 31, *Smith* teaches of switching control circuitry but does not teach wherein the switching control circuitry includes a switch box that supports wireless communication with at least the controller. However, one of ordinary skill would readily recognize that *Smith* would have been motivated to implement this well-known feature in order to expand and add flexibility to the switching control circuitry without departing from the inventive concept.

15. As per claim 36, *Smith* does not teach wherein the receiving inputs include a touch screen display. However, it would have been obvious to one of ordinary skill that implementing this well known feature would not depart from *Smith's* inventive concept. Furthermore, *Smith* would have been motivated to implement a touch screen display in order to expand the user's input options.

13. As per claim 38, *Smith* does not expressly teaches wherein at least one motor is a direct current motor, nonetheless, direct current motors are well-known in the art and

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Smith would have been motivated to implement such a motor because it would reduce the reduction mechanism of the moving parts in the vending machine.

Response to Arguments

14. Applicant's arguments with respect to claims 10, 23-25, 27, 29-31, and 33-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746-7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

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Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).

Tammara Peyton

August 25, 2003


KIM HUYNH
PRIMARY EXAMINER

8/25/03